

REMARKS

Claims 1-6, 8-10, 16-20, 22-33, and 37-46 are pending in the present application. Claims 1-6, 8-10, 16-20, and 22-46 were examined. Claims 34-36 have been cancelled by amendment.

In the office action mailed July 21, 2006, the Examiner rejected claims 27 and 28 as under 35 U.S.C. 112, second paragraph, and rejected claims 1-20 under 35 U.S.C. 112, first paragraph. The Examiner further rejected claims 1, 2, 4-6, 8-10, 16, 18-20, 22-26, 28-32, 34-37, and 39-46 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,301,666 to Rive (the “Rive patent”), in view of U.S. Patent Application Publication No. 20020188887 to Largman et al. (the “Largman application”). Claims 3, 17, 27, 33, and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent, in view of the Largman application, and U.S. Patent Application Publication No. 20030033606 to Puente et al. (the “Puente application”).

With respect to the Examiner’s rejection of claims 27 and 28 under 35 U.S.C. 112, second paragraph, claims 27 and 28 have been amended to address the rejection. The rejection of claims 27 and 28 under 35 U.S.C. 112, second paragraph, should be withdrawn.

With respect to the Examiner’s rejection of claims 1-20 under 35 U.S.C. 112, first paragraph, for containing subject matter which was not described in the original specification and claims in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention, the Examiner is directed to the paragraph at page 5, line 15-page 6, line 2. As specifically recited at page 5, line 26-page 6, line 2, an embodiment of the invention includes a second reset device coupled to the mass storage device and operable, when activated, to set *at least some* of the user preference data to desired values, and further includes a third reset device coupled to the mass storage device and operable, when activated, to set *at least some* of the user file data to desired values. Additionally, *originally filed* claims 8 and 22 recite “at least some the [sic] default values being adjustable” and claims 25, 34, and 37 recite “to set at least some of the user preference data to desired values” and “to set at least some of the user file data to desired values.” The previously cited language in the specification as filed identifies that Applicant had

possession of the claimed invention at the time the application was filed. The Examiner's rejection of claims 1-20 under 35 U.S.C. 112, first paragraph, should be withdrawn.

As previously mentioned, claims 1, 2, 4-6, 8-10, 16, 18-20, 22-26, 28-32, 34-37, and 39-46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent, in view of the Largman application. The rejected claims are patentable because the combined teachings of the Rive patent and the Largman application fail to teach or suggest the combination of limitations recited by the respective claim.

The Rive patent describes a computer system having a storage device 52 (typically a hard drive) that is formatted to have at least four partitions. The partitions are identified as a supported partition 54, an unsupported partition 56, a mirror partition 58, and an output partition 60. See col. 5, lines 45-65. The supported partition includes boot sector 28, operating system 62, and application software 64. The supported partition is protected from user modification. See col. 5, line 65-col. 6, line 8. A copy of the content of the supported partition 54 is located in the mirror partition 58. In this way, changes to the content of the supported partition 54 can be identified by comparing it with the content of the mirror partition 58, and if necessary, the content of the supported partition 54 can be restored by copying the content of the mirror partition 58 when desired. For example, the content of the supported partition 54 can be restored when a virus or execution error modifies the content of the supported partition 54. See col. 6, line 33-col. 7, line 2.

The unsupported partition 56 includes an operating system 66 and application programs 68, and is unprotected so that its content can be modified by a user, such as by installing applications. See col. 7, lines 26-46. The output partition 60 is unrestricted and stores information generated by the supported partition 54, such as output documents from application 64, and configuration data required by the operating system 62 and application 64 of the supported partition 54, such as access configuration and setting files that record user preferences and settings. Browser bookmarks, as well as configuration and settings of word processing and spreadsheet applications are examples of the data stored together in the output partition 60. See col. 7, line 47-col. 8, line 17. The output partition 60 can further store output documents and configuration data for the operating system 66 and application programs 68 from the unsupported partition 56.

As described in the Rive patent, partitioning the hard drive 52 in this manner allows the content of the supported partition 54 to be protected, and to be easily restored when desired. Also, storing all of the user configuration and setting data, as well as the user data generated by the operating systems and applications from both the supported and unsupported partitions 54, 56 allow for separating operating systems and applications from user content to allow for easy restoration of the operating systems and applications and backup of the user content. See col. 13, lines 34-41.

The Largman application describes a computer repair process that uses switches to electrically switch components that have failed to components that function properly. See paragraphs 2-16. For example, data storage devices, such as hard drives, can be switched from one that has failed or has been corrupted to one that is fully functioning. See paragraphs 6-13. The switching capability is further extended to other components of a computer as well, such as power supplies, jumper connections, network connections and other circuits. See paragraphs 21 and 22. In a particular example described in the Largman application, two hard drives are used to restore a corrupt operating system, applications, and user data. A first hard drive is typically used during operation of a computer, and a second hard drive includes a duplicate of the operating system, applications, and backup versions of the user data. Upon corruption of the operating system, applications, or user data of the first hard drive, the first hard drive is reformatted and the data stored in the second hard drive is copied to the first hard drive to restore the operating system, applications, and a backup of the user data. The switching circuitry described in the Largman application enable this type of operation by allowing switching between the first and second hard drives.

The Examiner argues that the Rive patent teaches, among other things, a mass storage device that is partitioned for storing user preferences data in a first partition and user file data in a second partition. See the Office Action at pages 4, 6, and 7. As previously discussed, the Rive patent describes partitioning a hard drive so that there are (1) a supported partition, (2) an unsupported partition, (3) a mirror partition, and (4) an output partition. The output partition is for storing information related to configuration and settings data for the operating systems and applications of the supported and unsupported partitions, as well as for storing data generated by the operating systems and applications of those two partitions. The Rive patent, however, does

not teach separating the configuration and settings data and the data generated by applications between two different partitions. On the contrary, the Rive patent teaches storing all user modifiable data in one partition. The user modifiable data is analogous to data that includes both user preference data and user file data. Moreover, the Rive patent goes further by describing the arrangement of using one partition (output partition 60) for storing both the configuration data and user data to be shared by the operating system and applications of two other partitions (supported and unsupported partitions 54, 56) as “advantageous in that it provides a single, unified location at which output data, configuration data, and other modifiable data can be saved.” See col. 13, lines 34-40. Partitioning the hard drive 52 in a manner which the configuration and settings data is separated in a different partition from the user application data would be contrary to teachings of the Rive patent, since it would not provide the “single, unified location,” which is described as being “advantageous.”

The Examiner cites the Largman application as teaching a user preference reset device and a user file data reset device. As previously discussed, the Largman application teaches a computer system that uses switches to electrically switch out defective components with fully functioning components. In the particular example previously discussed, which is described at paragraphs 26-45 of the Largman application, the switching that occurs is entirely at the component level, namely, switching between one hard drive and another. The Largman application does not describe switching between partitions within a hard drive. As illustrated by the Largman example, the content of the different hard drive partitions are not reset, but the content of an *entire drive* is restored. That is, the operating system and applications from partition “b” of the fully functioning second hard drive copied to the corrupted first hard drive. Along with “pristine” copies of the operating system and applications from the second hard drive, *user data* from a backup version stored in partition “c” is copied over to the first hard drive as well. “Resetting” as described in the Largman application consists of wiping out the data of the defective hard drive and copying all new data.

Moreover, the Largman application describes backing-up user data in partition “c” of the second hard drive. The Largman application does not suggest that “user data” includes two different types of data, namely, user preference data and user file data. The Largman application merely considers “user data” to all be the same, without any consideration

of storing one type of user data in one partition and another type of user data in another partition. All of the user data is backed-up into the same partition, namely, partition “c.”

In contrast to the combined teachings of the Rive patent and Largman application, the pending claims generally recite storing user preference data and user file data in separate partitions of a mass storage device, and further recite a reset device that resets at least some of the user preferences data and resets at least some of the user file data independently of or without resetting the other data. For example, claim 1 recites a network computer system including a mass storage having a first partition for storing user preference data and a second partition for storing user file data that may be accessed by the processor, and further including user preferences reset device and user file data reset device, each resetting the respective user data independently of resetting the other type of user data. As previously discussed, both the Rive patent and the Largman application describe storing user modifiable data (including both configuration and settings data, and user application data) or user data in the same partition of a hard drive. Moreover, the Largman application, which has been cited by the Examiner as teaching user preference data and user file data reset devices, teaches a system where all data is rewritten to the entire hard drive when hard drive corruption occurs, including operating system, application software, and user data.

Claim 16 recites a network computer that includes a mass storage device having a first partition for storing user preference data and a second partition for storing user file data that may be accessed by the processor. The mass storage device further includes a user preferences reset device and a user file data reset device, the user preferences reset device operable to reset at least some of the user preferences data without reset of the user file data when activated and the user file data reset device operable to reset at least some of the user file data without reset of the user preferences data when activated. Claims 25 and 37 recite network computer systems that include a mass storage device including a user preferences partition and a user file data partition that contain user preference data and user file data, respectively, that may be accessed by the processor. The network computer systems further include a second reset device operable, when activated, to set at least some of the user preference data to desired values independently of setting any of the system parameters set by the first reset device and a third reset device operable, when activated, to set at least some of the user file data to desired values independently of setting

any of the system parameters set by the first reset device. Claim 44 recites a method of operating a network computer system including providing mass storage for user preference data and user file data in a user preferences location and a user file data location, respectively, the data being accessible by the processor, and independently resetting system parameters associated with the embedded operating system, user preference data, and user file data in response to first, second, and third reset requests, respectively.

As previously discussed with reference to claim 1, the combined teachings of the Rive patent and the Largman application do not teach or suggest the combination of limitations recited by the claims. The Rive patent teaches storing configuration and settings data in one partition. The Largman application teaches storing all user data in one partition, and also teaches restoring corrupted data of a hard drive by copying all new data, including operating system, applications, and user data, from a backup hard drive to the corrupted hard drive. The combined teachings of the Rive patent and the Largman application result in a computer system that has a first hard drive partitioned as described in the Rive patent (which is consistent with partitioning described in the Largman application with respect to user data), and further including a second hard drive on which an exact duplicate of the operating system and applications, as well as backup versions of user data, are stored. As part of restoring corrupted data of a first hard drive, the first hard drive is reformatted (i.e., erased) and all new operating system, applications, and user data are copied to the reformatted hard drive. The combined teachings of the Rive patent and the Largman application, however, do not teach or suggest the combination of limitations recited by the claims.

For the foregoing reasons, claims 1, 16, 25, 37, and 44 are patentable over the Rive patent in view of the Largman application. Claims 2, 4-6, 8-10, 16, which depend from claim 1, claims 18-20 and 22-24, which depend from claim 16, claims 26, 28-32, which depend from claim 25, claim 39-43, which depend from claim 37, and claims 45 and 46, which depend from claim 44 are similarly patentable over the Rive patent in view of the Largman application due to their dependency from a respective allowable base claim. Therefore, the rejection of claims 1, 2, 4-6, 8-10, 16, 18-20, 22-26, 28-32, 34-37, and 39-46 under 35 U.S.C. 103(a) should be withdrawn.

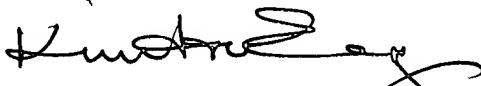
As previously mentioned, claims 3, 17, 27, 33, and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent, in view of the Largman application and the Puente application. The Examiner has cited the Puente application as teaching a broadband communications device comprising a cable modem, and further teaching a router program that is executed by the processor. See the Office Action at pages 7 and 8. Even if it is assumed for the sake of argument that the Examiner's characterizations of the Puente application are accurate, it fails to make up for the deficiencies of the Rive patent and Largman application as previously discussed. Moreover, the Puente application is not prior art based on the 37 C.F.R. 1.131 declaration previously submitted. See previously filed responses.

For the foregoing reasons, claims 3, 17, 27, 33, and 38 are patentable over the Rive patent, in view of the Largman application and the Puente application, and therefore, the rejection of claims 3, 17, 27, 33, and 38 under 35 U.S.C. 103(a) should be withdrawn.

All of the claims pending in the present application are in condition for allowance. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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